



"Wolf, Van"
<vwolf@swlaw.com>

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To: Elizabeth Cox/R9/USEPA/US@EPA, Elizabeth
Cox/R9/USEPA/US@EPA

cc:
Subject: Omega: Pilkington & Swedlow

Thane,

My apologies if I inappropriately interrupted your vacation last week. Andrea Sumits, who formerly represented Pilkington and Swedlow, forwarded to me your June 6 letter to Swedlow offering to open settlement negotiations on Omega. Inasmuch as I will be out of town July 2-12, and your deadline to notify you is June 10, I wanted to convey my clients' interest in discussing settlements with you. I understand we will be talking tomorrow (Monday, July 1) morning.

Altho we are interested in opening discussions, as I mentioned to you last January & February, there are still some unknowns about your June 6 letter. For example, on what basis would there be settlement? Scope & extent of contribution protection & covenant not to sue, particularly for past and future work and what work specifically? Will settlement for past work be based on specific costs expended by EPA? If so, what are they? What about relations/settlement protection with respect to OPOG and current consent decree? On what basis will the settlement allocations be made? I believe most recent figures had Swedlow at 14.8 tons and PBH at 94.8 tons, but I had asked you about evidence to get PBH from 64.3 tons (OPOG's number from January 2001) to 94.8; you indicated that Sola Barnes Hind manifests were now included, as well as a new manifest, but I have not yet received either copies of these manifests or a contact at DTSC who will provide the information.

Finally, as you know, my clients are not part of Peter McGaw's *de minimis* group, but we are still interested in pursuing settlement discussions.

I look forward to our conversation tomorrow morning.

Regards, Van Wolf

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G. Van Velsor Wolf Jr.
Snell & Wilmer L.L.P.
One Arizona Center
Phoenix, Arizona 85004-2202
602.382.6201 (direct)
602.382.6000 (main number)
602.382.6070 (fax)
vwolf@swlaw.com